IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

RFA.No. 606 of 2006()
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OS.118/2001 of SUB COURT, MUVATTUPUZHA
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: APPELLANTS/1 & 2 DEFENDANTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY.

2. EXECUTIVE ENGINEER (GENERAL),
OFFICE OF THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, MUVATTUPUZHA.

BY ADV. SRI.K.R.SADASIVAN NAIR

RESPONDENTS: PLAINTIFFS/3,4 & 5 DEFENDANTS:
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1. GEORGE, S/O. JOSEPH,
AGED 48 YEARS, MARAPPILLIKKUNNEL HOUSE,
NADUKKARA KARA, MUVATTUPUZHA VILLAGE,
MUVATTUPUZHA TALUK.

2. MARY, W/O. GEORGE,
AGED 42 YEARS, MARAPPILLIKKUNNEL HOUSE,
NADUKKARA KARA, MUVATTUPUZHA VILLAGE,
MUVATTUPUZHA TALUK.

3. JINU, S/O. GEORGE,
AGED 17 YEARS, MARAPPILLIKKUNNEL HOUSE,
NADUKKARA KARA, MUVATTUPUZHA VILLAGE,
MUVATTUPUZHA TALUK.

4. SABU VARKEY, S/O. VARKEY,
SUB ENGINEER, K.S.E.B. ARAKKUZHA.

5. PONNAPPAN, S/O. GOPALAN,
OVERSEAR, K.S.E.B., ARAKUZHA.

6. MATHEW VARGHESE, S/O. VARGHESE,
LINEMAN, K.S.E.B., ARAKUZHA.

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J U D G M E N T**

In view of the order in C.M.Application No.1468/06, this Appeal is dismissed.

**5..1..2007.** **SD/-KURIAN JOSEPH, JUDGE.**

**SD/- A.K.BASHEER, JUDGE.**

**(TRUE COPY)**

**tgs**

**KURIAN JOSEPH, J**

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**O.P.NO. OF 2001**

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**J U D G M E N T**

**DATED 6TH MARCH, 2006.**

**KURIAN JOSEPH & A.K.BASHEER, JJ.**

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**C.M.Application No.1468/06 in R.F.A.606 of 2006**

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**Dated 5th January, 2007.**

**O R D E R**

**Kurian Joseph, J.**

This is a petition to condone the delay of 957 days in filing the appeal. All that is stated in the affidavit accompanying the petition is as follows :-

> "The order was passed on 20.2.2004 and the copy of the order received on 14.12.2006. This Civil Appeal ought to have filed by 20.5.2004. But due to some administrative delay there occurred a delay of 957 days in filing the above R.F.A. In the above circumstances, and in the interest of justice, it is highly essential to condone the delay of 957 days occurred in filing the above R.F.A."

We are afraid, there is no proper explanation at all, so as to persuade this Court to issue notice on the delay petition to the other side, since we see from the records that the copy application itself was filed only on 11.12.2006. If the appellants could be so casual in a case where a boy of 18 years was electrocuted and compensation was awarded as early as on 20.2.2004, we do not find any reason to show any indulgence. Though it may not be necessary, we are also constrained to note from the judgment that going by the report of the Electrical

Engineer (Ext.A5), the line was drawn in violation of Rule 77 of the Indian Electricity Rules 1956. It has come out in evidence that as against the required height of 5.8 meters, the height maintained was only 2.99 meters. The trial court also has noted that there were several complaints from the local people regarding the dangerous position of the electric lines. Thus on merits also, we do not find much scope to interfere. The application is accordingly dismissed.

**KURIAN JOSEPH, JUDGE.**

**A.K.BASHEER, JUDGE.**

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**KURIAN JOSEPH & A.K.BASHEER, JJ**

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**W.P.(C) NO.  OF  2004**

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**J U D G M E N T**

**Dated 5th  January, 2007.**